IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 3241 OF 2007

Shri Sanjay Ramnaresh Rai. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Ms.Shraddha Y. Mohite for the applicant.

Ms.S.D.Shinde, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 9th October 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State. Perused application.

2. After getting the application for bail rejected at the hands of the Additional Sessions Judge, Kalyan vide order dated 27th June, 2006, the applicant has invoked jurisdiction of this Court under section 439 of Cr.P.C, to seek bail in connection with C.R.No.I-98/2006 registered with Vitthalwadi Police Station, Ulhasnagar for the offences punishable under sections 171, 364(A), 384, 323, 504, 506 read with section 34 of Indian Penal Code.

3. During the course of hearing, learned counsel for the applicant has pointed out that co-accused in very same crime, viz.; Shri Sumit Sunder Vithal has been granted bail by this Court vide order dated 10th April, 2007 passed in Criminal Application No.754/2007, whereas Mr.Nitin @ Vidyadhar Eknath Rupwate has been granted bail by this Court vide order dated 25th June, 2007 in Criminal Application No.1872/2007. She further pointed out that one more accused, viz., Gautam Shankar Rokade has been granted by this Court vide order dated 4th August, 2007 passed in Criminal Application No.2350/2007. She submits that on parity the case of the present applicant is similar to that of Shri Sumit Sunder Vithal and Gautam Shankar Rokade, who are already on bail.

4. The learned A.P.P., though, tried to oppose the application but could not take his submission to the logical end.

5. In the above view of the matter, I am inclined to grant bail in favour of the applicant, subject to the following conditions:

(a) The applicant, arrested in connection with C.R.No.I-98/2006 registered with Vitthalwadi Police Station, Ulhasnagar shall

be enlarged on bail in the sum of Rs.25,000/- with one or two local sureties to make up the said amount.

(b) The applicant shall report to the Vitthalwadi Police Station once in a week, i.e. on every Saturday between 3.00 to 5.00 p.m. till conclusion of the trial.

(c) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the investigating officer.

(d) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(e) The applicant shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

(f) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

6. Application stands disposed of accordingly.

JUDGE